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Town Planner's Recommendation
Wednesday, November 18, 2015

- XII. ***Public Hearing - Perley Lane Amendment.*** Proposed amendment to landscaping and hardscape plan for site plan for existing residential development and conditional use for activity within the Wetland and Shoreland Overlay Districts. Joseph Caldarola, Perley Lane LLC Manager. Map 1, Lot 16-22 and 16-23. Residence A Zoning District.
Recommended action: Discussion and continue public hearing and project to December 9.

- I recommend the board hold the public hearing, discuss the project, and continue the public hearing and review to December 9

Please note the following:

- 1) Site walk. The Planning Board held a site walk on October 30. A number of residents participated. We walked the entire perimeter of the site.
- 2) Conservation Commission. Mr. Caldarola ("the applicant") is meeting with the Conservation Commission on November 12. Note that the only items required to be reviewed by the commission are changes within the Wetland or Shoreland Overlay Districts. The commission need not review other changes to the approved site plan (thought the commission is welcome to discuss those items and make any pertinent recommendations if it sees fit to do so).
- 3) Issues. The two main changes from the original approved site plan are: a) the planting of grass, both within the wetland and shoreland buffers and elsewhere (There were limitations in the original site plan about where grass could be planted); and b) the construction of several rock retaining walls. One of the walls was built partly over the sewer easement.
- 4) Sewer easement. April Talon, Town Engineer, will examine the retaining wall that sits partly over the sewer easement. It is possible that the sewer line could be accessed, since it appears that the wall sits over only part of the easement, but one concern would be potential collapse of the wall if the sewer line is excavated.
- 5) Retaining walls. The rock walls appear to be quite solid. Is it appropriate for an engineer to inspect them and speak to their solidity? Also, is there potential for erosion of the soil between and behind the rocks? Regarding the long rock wall behind units 6 through 9, the applicant says that this is not a "retaining wall" since there is underlying bedrock holding up the higher ground behind these units. Assuming that

he is correct, the walls are really serving more for erosion control. (Is this also the case for the wall alongside units 2 and 3? Is this pertinent?)

- 6) Railings? Tom Johnson questioned whether there should be a railing at the top of these walls on the abutters lots. There is a low stone wall behind those lots. He said this cannot be required under the Building Code so it would be up to the Planning Board to determine. I understand, however, that the approved plans showed a 2-1 slope which is also quite steep, though no railings were required with the original site plans. According to the applicant, the approved slopes would have brought the toe of slope right to the rear of the new units. Tom Johnson also questioned whether there should be a railing behind units 2 and 3 where there is a new retaining wall.
- 7) As built plan. While the site walk was very helpful, I have recommended to the applicant that he hire a surveyor to produce an as built plan of the site. Such a plan would show precise locations for the various lines (wetland, shoreland, and buffers/setbacks, and sewer easement) and other activity – locations of the grass and walls, etc. (though, of course, all edges of the grass probably need not be shown precisely as long as the general grassed areas are clear). The applicant is having a surveyor prepare the plan.
- 8) Technical Review Group. The applicant met with the TRG on November 10. The members do not yet have any specific recommendations. April Talon will reach out to Dave Cedarholm, former Town Engineer, for some background information.
- 9) Corrections to the site. For each impacted area the Planning Board will need to determine: a) if it is acceptable as installed; b) if it will be acceptable with some changes or mitigation; or c) if it must be removed and reconstructed in some manner. Our leverage to require corrections (in addition to remedies in court) is to withhold the final certificate of occupancy for the one remaining unit. A building permit has been issued for this unit but the applicant does not yet have a buyer. The applicant will build the unit. He said it will take about 6 months to build the unit once there is a buyer. According to the applicant, while he manages the site he does not have authority to do construction work in proximity to any unit (except for the one last unit); the owners of the unit control the land around the unit.
- 10) Grass areas. See the color renderings prepared by the applicant. The yellow areas show grass. The blue areas are grass now where he proposes to remove the grass and plant native ground cover instead.
- 11) Conditions of approval. Here are pertinent conditions of approval from the June 11, 2003 Planning Board for Perley Lane site plan and other items from the plan (also included in prior Planner's Recommendations):
 - "A prohibition on fertilizers, herbicides, and pesticides in the wetlands buffer areas will be added to the Condominium Declaration. This prohibition will then

apply to the wetlands buffer areas as it does currently to the shoreland buffer areas.”

- “Units 1 through 6: [Grass is not permitted behind the decks] A limit to the grassed area will be added to the Site Plan. This will restrict the grassed areas to the front and side yards. The rear yards will remain wooded. This will further discourage the use of chemicals and limit disturbance to the rear yard areas that are outside of the shoreland protection zone.”
- “Units 13 and 14: A limit to the grassed areas will be added to the Site Plan. This will restrict the grassed areas so that most of the wetlands buffer to the left of the building and half of the wetlands buffer in the rear will remain wooded. This will further discourage the use of chemicals and limit disturbance to the rear yard areas that are outside of the shoreland protection zone.”
- “A note shall be added to the Site Plan bringing the southern end of the property, including wetlands behind Units 13 and 14 and the uplands toward the rear under the Shoreland Protection Zone vegetation management regulations (Section 10-5 of the Zoning Ordinance). This will ensure that this area remains wooded.”
- “Wooded and non-wooded natural areas, outside of construction, shall be kept in a healthy vegetative state. These areas include the open space, wetland and shoreland areas.”
- Grass is permitted in the side and rear yards of units 7 through 14 specifically as delineated on the approved plans (inside the “Limit of grassed area” line).
- There is a limit of work line all around the site in fairly close proximity to all of the units. No work by the developer is permitted beyond this line, including grading, installation of any masonry, and installation of retaining walls
- I do not see any retaining walls shown on the approved plans to be located in the side or rear of any units.
- There is additional grading that was not on the approved plans.
- The plan shows a deck (presumably made of wood and elevated above the ground) for each unit but no patios, nor areas covered in stone/gravel.
- Patios were not originally approved between units 1-4 or 1-6 and in the shoreland buffer area